

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANGEL F. GARCIA,

Defendant.

4:15CR3093

PRELIMINARY ORDER OF FORFEITURE

This matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 44). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has agreed to plead guilty to Count I and the Forfeiture Allegation of the Indictment filed herein. Count I charged the Defendant with receipt and distribution of child pornography, in violation of Title 18, United States Code, § 2252A(a)(2). The Forfeiture Allegation sought the forfeiture, pursuant to 18 U.S.C. § 2253, of the following properties on the basis they were used or were intended to be used to facilitate said violation.

1. Thermaltake tower computer ID W0377NUHI000363;
2. Black Toshiba portable drive, Serial Number: 714FCIUTMC3;
3. Seagate 160 GB portable hard drive, Serial Number: 5MA5EYIJ;
4. Western Digital My Book external hard drive Serial Number: WCAV53796527;
5. Western Digital My Book external hard drive Serial #WCC4ED521777;
6. HP black table computer;
7. HP black tablet computer;
8. Acer white mini laptop computer Serial Number: NUSH7AA0073070CF681601;
9. Sony PS4 Serial Number: MB056588873;
10. iPad air tablet computer;

11. Dell red tablet computer in green case;
12. Toshiba tablet in green case Serial Number: PDW094-001002;
13. Motorola cell phone;
14. HTC cell phone;
15. Dell black tablet with no case;
16. Western Digital My Book external hard drive Serial Number: WCAU47038151;
17. Western Digital external hard drive Serial Number: WCAZA1820812;
18. Western Digital external hard drive Serial Number: WCAVY3164358;
19. Western Digital TV live media player Serial Number: WNV1 94910346;
20. Tablet computer in Unicom Beetle case;
21. Eleven (11) USB thumb drives;
22. Barracuda 160 GB hard drive Serial Number: PR13291296;
23. Sandisk 240 GB SSD drive Deepcool tower Serial Number: 144232401452;
24. Tegra Note 7 tablet computer;
25. Seagate external hard drive Serial Number: NA4J2RHE;
26. Western Digital 80 GB IDE drive removed from black computer tower with no identification information on it Serial Number: WCAJ93571776;
27. Emachines laptop computer;
28. Seagate 750 GB hard drive Serial Number: SWS3NGKJ;
29. Zotac minicomputer Serial Number: G143000001659; ·
30. Western Digital My Cloud external drive Serial Number: WCC4E0537164;
31. Western Digital external hard drive Serial Number: WMC1T1847597;
32. Raspberry PI minicomputer with SD card;
33. Dell laptop in Oakley carry case Serial #3PZURS1;

2. By virtue of said guilty plea, the Defendant forfeits his interest in the above-described properties, and the United States should be entitled to possession of said properties, pursuant to 18 U.S.C. § 2253.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon the Forfeiture Allegation of the Indictment and the Defendant's plea of guilty, the United States is hereby authorized to seize the above listed properties:

C. The Defendant's interest in said properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 18 U.S.C. § 2253.

D. The aforementioned properties are to be held by the United States in its secure custody and control.

E. Pursuant to 18 U.S.C. § 2253, the United States forthwith shall publish for at least thirty consecutive days on an official Government internet site, www.forfeiture.gov, notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the

Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 18 U.S.C. § 2253, in which all interests will be addressed.

ORDERED this 8th day of April, 2016.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge